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CHAIRMAN
EMILY C. PHILLIPS, 2ND DISTRICT
VICE-CHAIRMAN



COMMISSIONERS
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C. A. HOUSEMAN, 6TH DISTRICT

State of South Carolina

State Ethics Commission

GARY R. BAKER
EXECUTIVE DIRECTOR

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MAY 18 1992

STATE DOCUMENTS

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MAY 1992

NEWSLETTER

92-004

COMMISSION OFFICE MOVES

The Commission has moved from Suite 111 to Suite 250, 5000 Thurmond Mall. The Commission's post office box and telephone numbers remain the same.

NEXT COMMISSION MEETING
TENTATIVELY SCHEDULED FOR MAY 27, 8:30 a.m.

The following ADVISORY OPINIONS have been issued during Fiscal Year 1991-1992 based on the 1991 Ethics Reform Act which became effective January 1, 1992. Copies may be secured by contacting the commission office.

SEC AO92-010(Supplemental)
March 25, 1992

SUBJECT: COUNTY COUNCILMAN VOTING
ON ROAD PAVING PROJECTS

A County Councilman is not prohibited from contracting with the county if he is not authorized to perform an official function regarding such contracts.

SEC AO92-069 March 25, 1992

DISCLOSURE OF ECONOMIC INTERESTS

A person required to file a Statement of Economic Interests must disclose, among other things: (1) income received directly from a governmental entity, (2) real estate interests where public improvements of \$200 or more have been made, and (3) interests in pension funds, stock portfolios, or other retirement funds which constitute a value of 5% or more of the total issues and also is valued at \$100,000 or more.

SEC AO92-072 March 25, 1992

ENGINEER SERVING ON COUNTY PLANNING
COMMISSION

An engineer would not be prohibited from serving on a County Planning Commission if such service is authorized by local statutes or ordinances. If so authorized, the State Ethics Commission would not find a violation for the engineer to serve and for members of his firm to represent clients before county agencies in order to carry out the functions of their profession.

SEC AO92-076 March 25, 1992

FINANCIAL DISCLOSURE FILING
REQUIREMENTS

A lawyer who is a member of an incorporated law firm is required to report funds he receives from a governmental entity but is not required to disclose funds received by the law firm from governmental clients in Item 13 of the Statement of Economic Interests.

SEC AO92-082 March 25, 1992

COUNTY OFFERING CASH IN LIEU OF
HEALTH INSURANCE

A County would not be restricted by the Ethics Reform Act from offering County employees extra compensation in lieu of health insurance.

SEC AO92-083 March 25, 1992

DEPARTMENT OF EDUCATION EMPLOYEE CO-
AUTHORING BUSINESS EDUCATION TEXTS

An employee of the Department of Education would not be prohibited from co-authoring textbooks consistent with the off-duty employment guidelines. She is cautioned to follow the provisions of Section 8-13-700(B) and of the restriction of Section 8-13-775.

SEC AO92-091 March 25, 1992

HEALTH CARE PROVIDERS SERVING ON
DHEC BOARD

Members of the DHEC Board who are medical professionals are not prohibited by Section 8-13-730 from serving on that Board, however, they are advised to follow the procedures of Section 8-13-700(B) on matters affecting their economic interests.

SEC AO92-096 March 25, 1992

EFFECT OF NEPOTISM PROVISION ON
COUNTY AGRICULTURE FAIR BOARD

A family member of a County Councilman may be hired by the Agriculture Fair Board without violating the nepotism provision in the Ethics Reform Act since there is no direct management or supervision of the employee by the Councilman.

SEC AO92-099 March 25, 1992

RESTRICTIONS ON SERVICE ON LOCAL
BOARDS

An architect would be prohibited from serving on the architectural review board unless such service is authorized by ordinance or statute.

SEC AO92-108 March 25, 1992

DIRECTOR OF EMERGENCY MEDICAL
SERVICES SERVING ON REGIONAL
EMERGENCY MEDICAL COUNCIL

A Director of County Emergency Medical Services would not be prohibited from serving on the board of a regional emergency medical council, however, he is advised to follow the provisions of Section 8-13-700(B) on actions affecting his personal training and employment.

SEC AO92-112 March 25, 1992

HIGHWAY PATROL ASSISTING WITH
HERITAGE CLASSIC TRAFFIC

The Highway Patrol may enter a contractual arrangement for room and board with the Heritage Classic to provide Highway Patrol Officers assisting with traffic and crowd control. Officers would not be prohibited from either attending tournament events when not on duty or visiting hospitality rooms.

SEC AO92-113 March 25, 1992

COUNTY COUNCILMEMBER PARTICIPATING
IN RENTAL REHABILITATION PROGRAM

A County Councilmember would not be prohibited from participating in a rental rehabilitation program since he has no official function regarding the program. He is advised to follow the provisions of Section 8-13-700(B) if required to take action or make decisions regarding his participation in the program.

SEC AO92-115 March 25, 1992

CITY COUNCILMEMBER SERVING ON ARTS COUNCIL

ELECTRICAL CONTRACTOR SERVING ON BOARD OF ELECTRICAL EXAMINERS

A City Councilmember who serves on an area Arts Council is advised against participating in the appropriation of accommodations tax fund revenues. An electrical contractor serving on a city Board of Electrical Examiners may bid on a city project provided he takes no action in inspecting or administering the project.

SEC AO92-117 March 25, 1992

CORPORATE ADMINISTRATIVE SUPPORT OF PAC

PROVISION OF THINGS OF VALUE TO PUBLIC AGENCIES

A corporation may provide administrative support of an affiliated PAC to comply with the provisions of the Ethics Reform Act. Private industry is not prohibited from contributing things of value to public agencies to assist in carrying out the agencies' mandated responsibilities.

SEC AO92-118 March 25, 1992

BUSINESSMAN SERVING ON BUSINESS LICENSE/SOLID WASTE DISPOSAL BOARD

A business man is not prohibited by the Ethics Reform Act from serving on the Business License/Waste Disposal Fee Board.

SEC AO92-119 March 25, 1992

ARCHITECTS SERVING ON LOCAL DESIGN REVIEW COMMISSION

An architect would be prohibited from serving on a design review

board unless such service is authorized by statute or ordinance. If his service is authorized by statute or ordinance, his firm would not be prohibited from representing clients before the Board if he follows the procedures of Section 8-13-700(B).

SEC AO92-120 March 25, 1992

HOSPITALITY/MEALS PROVIDED TO COMMISSION/STAFF MEMBERS

Commission members/staff would not be prohibited from participating in meal functions incidental to their official activities unless given to influence their actions. Program evaluation consultants are not required to file a Statement of Economic Interests. Complimentary conference registration may be accepted from a national conference of accrediting agencies since it is a gift to the agency.

SEC AO92-122 March 25, 1992

DESERTER REWARDS BEING PAID TO LAW ENFORCEMENT AGENCY

A law enforcement agency would not be prohibited from accepting rewards from military installations for apprehending deserters.

SEC AO92-123 March 25, 1992

TEACHER PURCHASING EQUIPMENT AND MATERIALS FOR CLASS AND SCHOOL DISTRICT

A teacher may not be involved in the purchase of equipment or materials from himself as a vendor if he performs any official function regarding such purchases. Purchases which are not within his official function are not prohibited.

SEC AO92-124 March 25, 1992

MUSC INSTRUCTOR SERVING ON BOARD OF SOCIAL WORK EXAMINERS

A MUSC instructor would not be prohibited by the Ethics Reform Act from serving on the State Board of Social Work Examiners since the authorizing legislation provides that members of the Board shall be licensed social workers.

SEC A092-125 March 25, 1992

COUNTY MUNICIPAL ASSOCIATION SPONSORING DINNER MEETINGS

A City would not be prohibited by the Ethics Reform Act from utilizing city funds to host a dinner meeting of the County Municipal Association.

SEC A092-126 March 25, 1992

FILING BY CONSERVATION OFFICERS

Conservation officers, for purposes of the Ethics Reform Act, are public employees and are not required to file a Statement of Economic Interests.

SEC A092-127 March 25, 1992

DEPARTMENT OF EDUCATION EMPLOYEE REVIEWING BOOKS

An employee of the Department of Education would not be precluded from being paid a fee for reviewing a manuscript in accordance with the off-duty employment guidelines. She is advised to follow the procedures of Section 8-13-700(B) on official matters affecting the adoption of the manuscript as a textbook.

SEC A092-129 March 25, 1992

CIVIC CENTER COMPLIMENTARY TICKETS

The State Ethics Commission would advise that complimentary tickets to events at a Civic Center are prohibited if given to influence a

public official or public employee in the conduct of their official responsibilities.

SEC A092-131 March 25, 1992

COUNTY EMS EMPLOYEES SERVING ON REGIONAL EMS COUNCIL

A Director of County Emergency Medical Services would not be prohibited from serving on the board of a regional emergency medical council, however, he is advised to follow the provisions of Section 8-13-700(B) on actions affecting his personal training and employment.

SEC A092-132 March 25, 1992

DHEC EMPLOYEE WITH INTEREST IN MOBILE HOMES

A DHEC employee would not be prohibited from placing mobile homes on a parcel of land, however, he is advised to follow the disclosure and disqualification procedures of Section 8-13-700(B) on matters affecting those mobile homes.

SEC A092-134 March 25, 1992

SCHOOL BOARD MEMBER WITH FAMILY MEMBER EMPLOYED IN SCHOOL DISTRICT

A family member of a school board member may continue as an employee of the school district without violating the Ethics Reform Act. A family member of a school board member may be hired by the school district provided the member does not cause the employment or participate in the employment of the family member. School board members who have family members employed within the school district may vote on general salary increases for school employees but may not participate in salary raises for the family member which are not general salary increases.

SEC AO92-135

March 25, 1992

STATE EMPLOYEE ASSISTING WITH
CONVENTION

A State employee is not prohibited by ethics rules from off-duty employment in arranging conventions, however, since the employer is a lobbyist/lobbyist principal, the Secretary of State's Office should be contacted concerning such a relationship with a lobbyist/lobbyist principal.

SEC AO92-136

March 25, 1992

PUBLIC SERVICE DISTRICT COMMISSIONER
WITH INTEREST IN VENDOR COMPANY

A vendor company in which a public service commissioner has a majority interest is prohibited from contracting with the district if the commissioner is authorized to perform an official function regarding such contracts. Absent such authorization, the commissioner is advised to follow the provisions of Section 8-13-700(B) when required to take action regarding his business.

SEC AO92-137

March 25, 1992

PUBLIC EMPLOYEE RUNNING FOR COUNTY
COUNCIL

A public employee is not prohibited by the Ethics Reform Act from running for and holding an elective office. She is advised to follow the procedures of Section 8-13-700(B) if required to take action in one position affecting her service in the other position.

SEC AO92-139

March 25, 1992

NEPOTISM APPLICABILITY TO CITY

A city employee who supervises his son may not participate in actions affecting his son's advancement,

promotion, or transfer. There is no specific requirement for the son to be transferred to another division.

SEC AO92-140

March 25, 1992

USE OF PUBLIC PROPERTY IN ELECTION
CAMPAIGNS

Public facilities may be utilized for political meetings or campaign-related activities if they are rented or made available on similar terms to all candidates or committees.

SEC AO92-141

March 25, 1992

SCHOOL BOARD MEMBER SERVING ON PAC
BOARD

A school board member is not prohibited by the Ethics Reform Act from being a board member of a political action committee.

SEC AO92-142

March 25, 1992

COUNTY COUNCILMAN'S BUSINESS BIDDING
ON COUNTY PROJECTS

A County Councilman who is on the board of directors of a company may participate in decisions regarding which projects should be put out for bid. His company is not prohibited by Section 8-13-775 from contracting with the county on any contracts on which he is not authorized to perform an official function.

SEC AO92-143

March 25, 1992

WORKERS' COMPENSATION COMMISSIONERS
BEING REIMBURSED TO PARTICIPATE IN
CONFERENCE PROGRAM

Workers' Compensation Commissioners may be reimbursed reasonable and necessary expenses for participation in educational programs at a conference sponsored by the Defense Trial Attorneys' Association and the Claims Managers Association.

SEC AO92-144

March 25, 1992

COUNTY COUNCIL CANDIDATE WITH SPOUSE
EMPLOYED BY COUNTY

The spouse of a candidate for county council may continue as an employee of the county if the spouse is elected without violating the Ethics Reform Act. A county council member who has a spouse employed by the county may vote on general salary increases for county employees but may not participate in salary raises for the family member which are not general salary increases. The council member may not participate in matters affecting the promotion, advancement, transfer, or disciplinary actions concerning a spouse who is employed by the county.

SEC AO92-146

March 25, 1992

APPLICABILITY OF ETHICS REFORM ACT
TO CITY ACTIVITIES

(1) A Police Barbecue may provide proceeds to a flower fund and to maintenance of the Police Cabin. (2) Hunting and fishing invitations may be accepted unless offered to influence official actions. (3) Rides, consultant studies and Christmas gifts from developers are not prohibited unless given to influence official actions. (4) Employees attending professional meetings, employee relations programs, or wellness activities may accept promotional items. (5) The City may seek reduced rates for dental care and/or eye care for employees. (6) A City employee may receive a meal at a function when speaking in an official capacity and may not accept anything of value except as provided in the Act. (7) An employee judging a school or civic event may accept a gift provided it is not given to influence official actions.

SEC AO92-147

March 25, 1992

FORESTRY COMMISSION STAFF
PARTICIPATING IN MEETING HOSTED BY
UNION CAMP CORPORATION

The Forestry Commission staff would not be prohibited from attending a regional meeting hosted by Union Camp since the provision of conference facilities benefits the agency, not any individual.

SEC AO92-148

March 25, 1992

ASSOCIATION PROVIDING DIRECTORY TO
PUBLIC PERSONNEL

The SC Asphalt Pavement Association is not prohibited from distributing its Directory to public personnel since it is educational material of nominal value.

SEC AO92-149

March 25, 1992

COUNTY MANAGER ATTENDING BUSINESS
COMMUNICATIONS RECEPTION

A County Manager and Council Members would not be prohibited from attending a reception as guests of a telephone company.

SEC AO92-150

March 25, 1992

CLERK OF COURT SERVING ON SHELTER
BOARD

A County Clerk of Court is not prohibited from serving on the Board of Directors of a Shelter for Abused Women.

SEC AO92-155

March 25, 1992

MAKEUP OF CITY REDEVELOPMENT
COMMISSION

If allowed by other statutes to serve, board members would not be prohibited from taking actions which do not affect their economic interests to any greater extent than other members of a larger class.

SEC AO92-156

March 25, 1992

EFFECT OF NEPOTISM PROVISION

In accordance with Section 8-13-750, (1) Continued employment relationships regarding permanent employees prior to 01/92 would not be prohibited, however, a manager or supervisor would be prohibited from taking any action beginning 01/92 to affect the employment relationship of a family member. (2) A manager or supervisor would be prohibited from taking any action regarding a family member who is employed on a temporary basis. (3) Family members may be employed within the agency so long as the manager or supervisor takes no action to affect the family member. (4) Employment relationships caused by marriage after 01/01/92 would be prohibited as in (1) through (3).

A residential care facility owner, and the spouse of another owner, who are also administrators would not be prohibited from serving on the State Board of Examiners for Nursing Home Administrators and Community Residential Care Facility Administrators, if such service is mandated by state statutes.

SEC AO92-163

March 25, 1992

EDUCATION COMMITTEE MEMBERS
FINANCIAL DISCLOSURE BY DEPARTMENT
OF EDUCATION MEMBERS

Members of State Department of Education Textbook and Curriculum Advisory Committees, Textbook Evaluating and Rating Committees, and Local Textbook Adoption Committees are covered under the Ethics Reform Act, however, would not be required to file a Statement of Economic Interest based solely on their service on such committee. Sample textbooks not reclaimed by publishers should be used by schools or other institutions and not retained for personal use.

SEC AO92-164

March 25, 1992

APPLICABILITY OF ETHICS REFORM ACT
TO MEMBERS OF THE STATE BOARD OF
EXAMINERS FOR NURSING HOME
ADMINISTRATORS AND COMMUNITY
RESIDENTIAL CARE FACILITY
ADMINISTRATORS

State Ethics Commission

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